

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Timothy Allegri, et al.	)	
	)	
Complainant,	)	
	)	
v.	)	Case No.EC-2024-0015, et al.
	)	
Evergy Missouri West, Inc. d/b/a	)	
Evergy Missouri West,	)	
	)	
Respondent.	)	

**PUBLIC COUNSEL’S POSITION STATEMENT**

COMES NOW the Office of the Public Counsel (““OPC”) and states:

1. These cases raise serious concerns regarding Evergy’s use of eminent domain. These include claims that Evergy attempted to mislead landowners to obtain easements; and claims that Evergy’s actions are contrary to its Commission-approved certificate of convenience and necessity.
  
2. The taking of Missouri property through condemnation is one of the most invasive actions that can be taken against a landowner not at fault for anything other than owning property the taking entity wants to use. Due to the significant and sometimes life-changing impact a condemnation can have on Missouri landowners, the practices of Missouri’s public utilities with eminent domain authority should be heavily scrutinized by the Commission when claims of potential abuse are brought to its attention.

3. The OPC interprets the Commission's authority over Evergy's distribution system and its practices that impact the Missouri public to be broad, and to include the authority to regulate Evergy's eminent domain practices. §§ 393.130, 393.140, 393.170 and 386.250 RSMo.

4. The OPC has not taken a position on the merits of the complaints and reserves the right to take a position in briefing following the evidentiary hearing.

WHEREFORE, the Office of the Public Counsel respectfully offers this position statement.

Respectfully submitted,

/s/ Marc Poston

Marc Poston (Mo Bar #45722)  
Missouri Office of Public Counsel  
P. O. Box 2230  
Jefferson City MO 65102  
(573) 751-5318  
(573) 751-5562 FAX  
[marc.poston@opc.mo.gov](mailto:marc.poston@opc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 8th day of January 2024.

**/s/ Marc Poston**

---